S.B. Civil Revision Petition No.413/2006

Ram Chandra and another.
vs.
Haji Nathu Khan.

Date : 23.11.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. M Shishodia, for the petitioners.

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Heard learned counsel for the petitioners.

The petitioners have challenged the impugned order dated 25.2.2005 by which the trial court allowed the application of the legal representatives of the plaintiffs filed under Order 22 Rule 3 CPC.

According to learned counsel for the petitioners, the trial court committed serious error of fact in holding that there was sufficient cause of not moving the application in time. According to learned counsel for the petitioners, the court below observed that the petitioners/defendants failed to prove that from 9.4.2002 to 16.9.2002, any of the legal representatives of the plaintiff contacted the advocate of the plaintiff whereas in fact, the legal representatives of the plaintiff themselves pleaded that because of sickness of one of the legal representatives – Khalil Ahmed, he could not contact the advocate.

I considered the submissions of learned counsel for the petitioners and perused the reasons given in the impugned order.

It appears from the reason, apart from the above, that Khalil Ahmed submitted that he was sick, therefore, he could not contact the advocate and he produced the medical certificate. In view of the above, in such a situation, the court below has not committed any error of fact or law so as to warrant interference by this Court in the impugned order while exercising its revisional jurisdiction.

In view of the above, this revision petition, having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya